

LESSON PLAN

Course:	DUI
Class Title:	DUI: Phase III Walk & Turn and One Leg Stand
Effective Date:	January 14, 2013

COVER PAGE

TIME: 2.5 Hours
COURSE : DUI
CLASS TITLE: DUI: Phase III WAT & OLS

CLASS LEVEL: Basic Training
OBJECTIVES: See page 3

METHOD OF INSTRUCTION: Facilitation & Lecture
METHOD OF TESTING: Written & Proficiency
TRAINING AIDS: Proxima, computer, PowerPoint
computer, white board
markers, handouts, stop watch

REFERENCES: See page 4

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DATE: 07-20-2007
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DATE OF REVISIONS: December 2011
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DATE OF REVISIONS: December 18, 2012

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DATE APPROVED:	December 18, 2012

OBJECTIVES:

- 8.4.1 With reference, the recruit will be able to discuss and recognize the clues of the Walk and Turn (WAT) and One Leg Stand (OLS) Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- 8.4.2 Without reference, the recruit will be able to discuss the limiting factors of the three Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- 8.4.3 Given a DUI instruction sheet, the recruit will be able to demonstrate the appropriate administrative procedures for the Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- 8.4.4 Given a DUI instruction sheet, the recruit will be able to discuss and properly administer the three Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- 8.4.5 Without reference, the recruit will be able to describe in a clear and convincing fashion and properly record the results of the three Standardized Field Sobriety Tests on a standard note taking guide in accordance with NHTSA standards as explained in class.
- 8.4.6 Without reference, the recruit will be able to describe the role of psychophysical and preliminary breath tests in accordance with NHTSA standards as explained in class.
- 8.4.7 Without reference, the recruit will be able to discuss the advantages and limitations of preliminary breath testing in accordance with NHTSA standards as explained in class.
- 8.4.8 Without reference, the recruit will be able to discuss the arrest decision based upon the totality of events from the time of contact with the subject in accordance with NHTSA standards as explained in class.

REFERENCES

National Highway Traffic Safety Administration, DWI Detection and Standardized Field Sobriety Testing, 2006, U.S. Department of Transportation, Washington, D.C.

The Detection of DWI Motorcyclists, July 2006, National Highway Traffic Safety Administration, Pamphlet DOT HS 807856, Washington, D.C.

The Visual Detection of DWI Motorists, National Highway Traffic Safety Administration, Pamphlet DOT HS 808677, Washington, D.C.



LEC

You have already learned how to conduct the first of the three SFSTs, the HGN test. During this block of instruction you will learn how to conduct the last two tests, the Walk and Turn test and the One Leg Stand test. These two field sobriety tests are balance tests. They are also considered Psychophysical tests and Divided Attention tests.

These tests require the suspect to divide attention among mental tasks and physical tasks. The mental tasks include comprehension of verbal instructions; processing of information; and recall of memory. The physical tasks include balance and coordination.

Objectives

- Discuss & recognize the clues of WAT & OLS
- Discuss the limiting factors of the 3 SFSTs
- Demonstrate the administrative procedures for the SFSTs
- Discuss & properly administer the 3 SFSTs
- Describe in a clear & convincing fashion and properly record the results of the 3 SFSTs
- Describe the role of psychophysical tests & PBTs
- Discuss the advantages & limitations of PBTs
- Discuss the arrest decision based upon the totality of events from the time of contact with the subject

VIII.3

LEC

- With reference, the recruit will be able to discuss and recognize the clues of the Walk and Turn (WAT) and One Leg Stand (OLS) Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- Without reference, the recruit will be able to discuss the limiting factors of the three Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- Given a DUI instruction sheet, the recruit will be able to demonstrate the appropriate administrative procedures for the Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.
- Given a DUI instruction sheet, the recruit will be able to discuss and properly administer the three Standardized Field Sobriety Tests in accordance with NHTSA standards as explained in class.

LEC

- Without reference, the recruit will be able to describe in a clear and convincing fashion and properly record the results of the three Standardized Field Sobriety Tests on a standard note taking guide in accordance with NHTSA standards as explained in class.
- Without reference, the recruit will be able to describe the role of psychophysical and preliminary breath tests in accordance with NHTSA standards as explained in class.
- Without reference, the recruit will be able to discuss the advantages and limitations of preliminary breath testing in accordance with NHTSA standards as explained in class.
- Without reference, the recruit will be able to discuss the arrest decision based upon the totality of events from the time of contact with the subject in accordance with NHTSA standards as explained in class.

SFSTs

- A tool to assist you in seeing visible signs of impairment
- Not pass/fail tests



OBJ6 LEC

Remember, the three SFSTs are all tools to assist you in seeing visible signs of impairment.

They are not pass/fail tests.

The three SFSTs, along with the PBT, are all field sobriety tests. Their role in DUI detection is to help establish probable cause, aid in the arrest decision, and help you decide which evidential test you should request.

AFQ



OBJ1 Walk and Turn - A divided attention test

LEC

Two stages:

1. Instruction stage
2. Walking stage

Both stages are essential parts of the test. Important evidence of impairment often comes to light during both stages.

Remain motionless while the suspect performs the test.
Excessive motion on your part will make it more difficult for the suspect to perform, even if sober.

Walk & Turn Test Clues

Instructions Stage:

- B. Can't keep Balance
- S. Starts too soon

Walking Stage:

- S Stops Walking
- H Fails to touch Heel to Toe
- O Steps Off Line
- R Raises Arms
- T Turns Improperly
- S Wrong number of Steps

OBJ1
LEC

Walk and Turn Clues:

Instruction Stage

Cannot keep balance
Starts too soon

Walking Stage

- S- Stops walking
- H- Fails to touch Heel to Toe
- O- Steps Off Line
- R- Raises Arms
- T- Turns Improperly
- S- Wrong number of Steps

NTF

Inform students that the acronym **SHORTS** will help them to learn the eight clues possible in the W&T test.
Have the students copy the information from the slide.

Officer Positioning

- Right-handed officers (those whose weapon is carried on the right side): stand 6 feet or more away from the suspect at a 45 degree angle. You must always be to the suspect's right, with your weapon facing away from the suspect.
- Never turn your back to the suspect.
- When demonstrating the turn you must take 3 steps and turn on your left foot and the first right foot step will be "one" on the return.

OBJ3 LEC

Officer Positioning:

Right-handed officers (those whose weapon is carried on the right side) – To provide a reactionary gap for officer safety, stand at least 6 feet away at a 45 degree angle. As you read the instructions, turn your head, not your body, toward the suspect. In other words, do not stand directly facing the suspect.

You must always be to the suspect's right, with your weapon facing away from the suspect. Never turn your back to the suspect.

When demonstrating the turn you must take 3 steps and turn on your left foot and the first right foot step will be "one" on the return (**Demonstrate**).

Officer Positioning

- Left-handed officers (those whose weapon is carried on the left side): stand at least 6 feet away at a 45 degree angle. You must always be to the suspect's left, with your weapon facing away from the suspect.
- Never turn your back to the suspect.
- When demonstrating the turn take four steps and turn on your right foot and count the first left step as "one".

OBJ3 LEC

Officer Positioning:

Left-handed officers (those whose weapon is carried on the left side) - stand at least 6 feet away at a 45 degree angle to the suspect. As you read the instructions, turn your head, not your body, toward the suspect. In other words, do not stand directly facing the suspect.

You should always be to the suspect's left, with your weapon facing away from the suspect.

Never turn your back to the suspect.

When demonstrating the turn you should take 4 steps and turn on your right foot and the first left foot step will be "one" on the return **(Demonstrate)**.

Qualifying Question

Prior to starting the balance tests ask,

“Is there anything that would prevent you from taking a balance test?”

OBJ3 LEC

Qualifying Question:

Prior to starting the W&T the following question should be asked:

“Is there anything that would prevent you from taking a balance test?”

Ask this question in this manner. Do not suggest an answer within the question, i.e., “There’s no reason you can’t take a balance test is there?” This would be a leading question.

AFQ

PROCEDURES FOR WALK AND TURN
TESTING

"Place your left foot on the line. Place your right foot on the line in front of your left foot with the heel of your right foot against the toe of your left foot. Place your arms down at your sides. Keep this position until I tell you to begin. Don't walk until instructed to do so. Do you understand?"

OBJ4
LEC

Procedures for Walk and Turn Testing

SFST Administrative Guide

Instructions Stage- Initial positioning and verbal instruction- have the suspect assume the heel-to-toe stance by giving the following verbal instructions, accompanied by demonstration:

"Place your left foot on the line. Place your right foot on the line in front of your left foot with the heel of your right foot against the toe of your left foot. Place your arms down at your sides. Keep this position until I tell you to begin. Don't walk until instructed to do so. Do you understand?"

PROCEDURES FOR WALK AND TURN
TESTING

"When instructed, take 9 heel-to-toe steps, turn and take 9 heel-to-toe steps back. When you turn, keep your front foot on the line and turn by taking a series of small steps with the other foot like this **(Demonstrate)**.

"While you are walking, keep your arms at your sides, watch your feet at all times, and count your steps out loud. Once you start walking, don't stop until you have completed the test. Do you understand?

"Begin and count your first step from the heel-to-toe as one."

OBJ4
LEC

"When instructed, take nine heel-to-toe steps, turn and take nine heel-to-toe steps back. When you turn, keep your front foot on the line and turn by taking a series of small steps with the other foot like this **(Demonstrate)**.

"While you are walking, keep your arms at your sides, watch your feet at all times, and count your steps out loud. Once you start walking, don't stop until you have completed the test. Do you understand?"

"Begin and count your first step from the heel-to-toe as one."

**Note: When you demonstrate, take a couple of steps forward and walk across the line so your back will not be turned toward the suspect.*

NTF

Advise the students to always read from the Administrative Guide they have been issued. This way they can testify in court they read from the card, not their memory. This will ensure accuracy and consistency.

When demonstrating the balance tests, perform them according to your instructions to the suspect.

Exception: For officer safety, do not watch your feet at all times. Watch the suspect.

LEC

When demonstrating the balance tests, perform these tests just like you want the suspect to perform, such as keeping your arms at your sides.

Exception: Do not watch your feet. For officer safety reasons, watch the suspect.

Test Interpretation of Clues

Both balance tests - Even if a clue shows up more than once, each clue is counted only once.

Instructions Stage: Can't Keep Balance -

- Record this clue if the suspect does not maintain the heel-to-toe position throughout the instructions.
- The feet must actually break apart.
- Do not record this clue if the suspect sways or uses the arms to balance but maintains the heel-to-toe position.

OBJ1

Test Interpretations

LEC

For both of the two balance tests, even if a clue shows up more than once, each clue is counted only once.

You may observe a number of different behaviors when a suspect performs this test. Research however, has demonstrated that the behaviors listed below are the most likely to be observed with a BAC of 0.08 or more. Look for the following clues each time this test is given:

Cannot keep balance while listening to the instructions. Two tasks are required at the beginning of this test. The suspect must balance heel-to-toe on the line and at the same time, listen carefully to the instructions. Typically, the person who is intoxicated can do only one of these things. He or she may listen to the instructions, but not keep balance.

OBJ1
LEC

Record this clue if the suspect does not maintain the heel-to-toe position throughout the instructions. If the suspect were to come out of the instruction phase stance, have him to retain the stance. Do not record this clue if the suspect sways or used the arms to balance but maintains the heel-to-toe position. **This clue is recorded only if the feet actually break apart.**

NTF

Inform the student that if the suspect cannot keep his balance to the point that the officer feels that the safety of the suspect is now in question, the test should be terminated. This could happen at any time during the test, either in the instruction phase or the walking phase.

AFQ

Test Interpretation of Clues

Instructions Stage: Starts Too Soon -

- Starts walking before the instructions are finished.
- Record this clue if the suspect does not wait.
- This clue can't be recorded unless the suspect was told not to start until instructed to do so.

OBJ1 LEC

If the suspect begins to walk before the instructions are finished, record this as a clue. The intoxicated person may keep balance, but not listen to the instructions. Since you specifically instructed the suspect not to start walking “until I tell you to begin”, record this clue if the suspect does not wait.

Test Interpretation of Clues

Walking Stage: Stops Walking –

- Stops while walking to steady self
- Pauses to regain balance
- Do not record if merely walking slowly

OBJ1 LEC

Record this clue if the suspect stops while walking to steady himself or pauses to regain his balance.

Do not record this as a clue if he is merely walking slowly.

Test Interpretation of Clues

Walking Stage: Does not touch heel-to-toe

- Fails to touch heel-to-toe on any step, going or coming
- Count only if suspect leaves a space of $\frac{1}{2}$ inch or more
- Requires officer's subjective opinion

OBJ1 LEC

Another clue to watch for in the walking stage is the suspect's failure to touch heel-to-toe, going in either direction. You must only count this as a clue if the suspect leaves a space of one-half inch or more between heel and toe.

Since it would be impractical to be on your knees actually measuring gaps between heel and toe while the suspect walks, this requires a certain amount of subjective opinion on the part of the testing officer. Some other parts of these tests require subjective opinion as well.

AFQ

Test Interpretation of Clues

Walking Stage: Steps off the line

- Record this as a clue only if the suspect steps entirely off the line

OBJ1 LEC

Another clue to observe for is whether the suspect steps off the line. Record this as a clue only if the suspect steps entirely off the line.

Test Interpretation of Clues

Walking Stage: Uses arms to balance

- Raises one or both arms from the sides
- Six inches or more required to count as a clue

OBJ1 LEC

Another clue to watch for is the suspect using his arms to balance. If the suspect raises one or both arms from the sides six inches or more this counts as a clue.

It is often possible to note two of these clues simultaneously.

AFQ

Test Interpretation of Clues

Walking Stage: Improper turn

- Loses balance on turn
 - Staggers
 - Stumbles
- Turns other than the way officer demonstrated
 - Both feet removed from the line
 - Turns in wrong direction
 - Pivots in one movement
 - Etc.

OBJ1 LEC

Another clue to watch for is the improper turn. Record this as a clue if the suspect loses balance during the turn, such as staggering or stumbling.

You should also record this as a clue if the suspect turns in any way other than the way that you demonstrated, such as:

- a failure to keep the front foot on the line during the turn and removing both feet from the line,
- turning in the wrong direction, which would be backwards, and
- pivoting in one movement rather than taking a series of small steps, etc.

NTF

Two or more steps is considered a “series” of small steps. Demonstrate some improper turns to the class.

Test Interpretation of Clues

Walking Stage: Wrong number of steps

- Record as a clue if suspect takes fewer or more than 9 steps in either direction
- Mistakes in the verbal count do not count as a clue.

OBJ1 LEC

Another clue in the Walk and Turn Test is taking the incorrect number of steps. Record this as a clue if the suspect takes either more or fewer than nine steps in either direction.

It is the number of steps that the suspect physically takes that matters here. Mistakes in the verbal count do not justify recording this clue.

Test Interpretation of Clues

Walking Stage: Can't complete test

- Suspect nearly falls
- Suspect gets into a "leg-lock" position

OBJ1
LEC

The test can be terminated if the suspect cannot safely complete it. For example:

- the suspect nearly falls
- the suspect gets into a "leg-lock" position (legs crossed, unable to move).

NTF

Demonstrate the "leg-lock" to the class.

LEC

The test should be stopped if unsafe for the suspect. If the suspect cannot do the test, record the observed clues and document the reason for not completing the test. Be prepared to explain in court why the suspect could not complete the test.

AFQ

Repeating the Test

Suspect has difficulty?

- **Repeat test from point of difficulty**
- **Loss of test sensitivity**

OBJ1 LEC

Should the suspect have difficulty with this test (for example, steps off line), have the suspect repeat the test from the point of difficulty, not from the beginning.

This test tends to lose its sensitivity if it is repeated several times.

EX1

Select a student and demonstrate the Walk and Turn Test to the class.

AFQ

Walk & Turn Interpretation

- If suspect exhibits at least 2 of the 8 possible clues, BAC is likely above .08.
- This test is 79% accurate.

OBJ1 LEC

If a DUI suspect exhibits at least two clues of the possible eight clues for this test, the BAC is likely above .08.

If there are two or more clues shown, there is a 79 percent probability that the suspect's BAC is above .08.

TEST CONDITIONS

- Walk-and-Turn test requires a designated straight line, and should be conducted on a reasonably dry, hard, level, non-slippery surface. There should be sufficient room for suspects to complete nine heel-to-toe steps.
- **Note:** *Recent field validation studies have indicated that varying environmental conditions have not affected a suspect's ability to perform this test.*

OBJ2
LEC

Test Conditions

Walk and turn requires a hard, dry, level non-slippery surface with sufficient room for the suspect to complete nine heel-to-toe steps. A straight line must be clearly visible on the surface. If no line is available, it is possible to conduct the test by directing the suspect to walk in a straight line parallel with a curb, guardrail, etc. Conditions must be such that the suspect would be in no danger if he/she were to fall.

NTF

Point out to students that the Colorado study in 1995 took into consideration the environmental conditions such as weather and terrain. Varying environmental conditions have not affected suspects' ability to perform this test. Additionally, be careful around the guardrail or curb. Suspects could fall and injure themselves.

Restrictions

The original research indicated that individuals over 65 years of age, back, leg or middle ear problems had difficulty performing this test.

Individuals wearing heels more than 2 inches high should be given the opportunity to remove their shoes.

OBJ2 LEC

Some people have difficulty with balance even when sober.
People more than:

- 65 years of age
- Over 50 pounds overweight
- With physical impairments that affect their ability to balance should not be given this test.

Individuals wearing heels more than 2" high should be given the opportunity to remove their shoes if they choose to.

AFQ

TIME: 1 Hour



OBJ1
LEC

One Leg Stand: A Divided Attention Test

There are two stages:

- The instructions stage
- The count stage

Basically, the test is to balance on one foot for thirty seconds.

One-Leg Stand Test Clues

- P** Puts foot down
- U** Uses arms for balance
- S** Sways while balancing
- H** Hops

**Note* - There are no possible clues during the Instructions Stage.*

OBJ1
LEC

One Leg Stand Test Clues:

- P** Puts foot down
- U** Uses arms for balance
- S** Sways while balancing
- H** Hops

There are no possible clues during the Instructions Stage.

The acronym “PUSH” will help you learn the clues.

Have students jot down this learning tool.

NTF

Officer Positioning - One Leg Stand Test

- The officer must stand at a 45 degree angle, at least 6 feet away.
- Weapon away from suspect
- Do not face suspect directly
- Same position as Walk & Turn

OBJ3 LEC

Use the same position as the W&T test.

Remember to stand at a 45 degree angle, a minimum of six feet away from the suspect with your weapon facing away from the suspect. Do not face the suspect directly.

AFQ

**DEMONSTRATIONS/INSTRUCTIONS FOR THE
BALANCING AND COUNTING STAGE**

*“Stand with your feet together, hands to your sides. Do not start until told to do so. When instructed, raise either foot approximately 6 inches off the ground with your toe pointed out, foot parallel to the ground, and count in the following manner: 1001, 1002, 1003, until told to stop, like this (**Demonstrate**). While performing this test, keep your hands to your sides, keep your legs straight, and watch your raised foot. Do you understand?”*

OBJ3

Demonstrations/Instructions for the Balancing and Counting Stage (SFST Administrative Guide).

NTF

Explain the test requirements, using the following verbal instructions, accompanied by demonstrations:

LEC

1. Stand with your feet together, hands to your sides.
2. Do not start until told to do so.
3. When instructed, raise either foot approximately 6” off the ground with your toe pointed out, foot parallel to the ground.

OBJ3
LEC

- 4. Count in the following manner-1001,1002,1003 until told to stop, like this... **(Demonstrate)**
- 5. While performing this test, keep your hands to your sides.
- 6. Keep your legs straight and
- 7. Watch your raised foot.
- 8. Do you understand?
- 9. You may begin

NTF

Instruct the students to start the thirty seconds as soon as the suspect raises his/her leg to the proper position. Some suspects will look at their leg or look straight ahead without counting after raising their leg. Remind them how to correctly perform the test. However, the 30 second time period has already begun once the suspect has lifted his foot to the 6 inch position, not after the suspect starts counting.

AFQ

Test Interpretation of Clues

Puts Foot Down

- Suspect puts foot down before 30 seconds have elapsed
- Time is critical for this test.

OBJ1 LEC

One clue is putting the foot down before thirty seconds elapse. If the suspect's foot touches the ground, have the suspect raise it and continue counting until told to stop.

It makes no difference how fast or slow the suspect counts. You must closely observe the time and terminate the test at thirty seconds.

Time is critical for this test. Research has shown that a person with a BAC of 0.08 can maintain his/her balance for up to 25 seconds, but seldom as long as 30 seconds. Always stop at 30 seconds, not allowing any more or any less time, regardless of how slowly or how fast the person is counting.

AFQ

Test Interpretation of Clues

Using Arms to Balance

- A movement of the arms 6 inches or more from the side

OBJ1
LEC

Another clue to note is the suspect using the arm or arms to balance. The suspect moves the arms six inches or more from the side of the body in order to keep balance.

NTF

Using a ruler, you may demonstrate to the class how this may appear.

AFQ

Test Interpretation of Clues

Swaying

- A distinct, noticeable side-to-side or front-to-back movement of the elevated foot or of the suspect's body
- Does not include slight tremors of the foot or body

OBJ1 LEC

Test Interpretation of Clues

You may observe a number of different behaviors when a suspect performs this test. Researchers however, have found that those behaviors listed below are the most likely to be observed in someone with a BAC of .08 or higher. Look for the following clues each time the test is given:

Suspect Sways While Balancing. This refers to a distinct, noticeable side-to-side or front-to-back movement of the elevated foot or of the suspect's body.

Demonstrate to the class how this may appear.

NTF

Test Interpretation of Clues

Hopping

- Suspect keeps one foot off the ground, but hops on the anchor foot to keep balance

OBJ1 **LEC**

Another clue to watch for is hopping. If the suspect keeps one foot off of the ground, but hops on the anchor foot in order to keep balance, count this as a clue.

TEST INTERPRETATION

CANNOT DO TEST

- The test may be terminated if the suspect cannot safely complete it. For example:
 - Suspect nearly falls



OBJ1 LEC

Record a failure to complete the test if the subject demonstrates that he/she cannot do the test. For example, the suspect nearly falls.

The suspect may be told at any time to stop counting for their safety or inability to properly perform the test.

Be prepared to explain in court why the suspect could not complete the test.

**TWO OR MORE CLUES OR FAILS TO
COMPLETE THE ONE LEG STAND:**

- Classify as .08 or higher
- 83% accurate

**OBJ1
LEC**

If an individual produces two or more clues or fails to complete the one-leg stand, there is a good chance the alcohol concentration is 0.08 or higher, so your decision point on this test is two.

Using that criterion, you will correctly classify about 83% of the people you test as to whether their alcohol concentration level is at or above .080.

AFQ

TEST CONDITIONS

One-Leg Stand requires a reasonably dry, hard, level, and non-slippery surface. Suspect's safety should be considered at all times.

The original research indicated that certain individuals over 65 years of age, back, leg or middle ear problems, or people who were overweight by 50 or more pounds had difficulty performing this test. Individuals wearing heels more than 2 inches high should be given the opportunity to remove their shoes.

**OBJ2
LEC**

The One-Leg Stand requires a reasonably dry, hard, level, and non-slippery surface. Suspect's safety should be considered at all times.

The original research indicated that certain individuals over 65 years of age, back, leg or middle ear problems, or people who were overweight by 50 or more pounds had difficulty performing this test.

Individuals wearing heels more than 2 inches high should be given the opportunity to remove their shoes.

EX2

Select a student and demonstrate the One Leg Stand Test to the class. Have the entire class time the thirty seconds. If

time allows, allow the entire class to practice the two tests.

Basic Purpose of PBT

Demonstrate association of alcohol with the observable evidence of the suspect's impairment



OBJ6 LEC

The basic purpose of the PBT is to demonstrate association of alcohol with the observable evidence of the suspect's impairment.

PBT	
<u>Advantages</u>	<u>Limitations</u>
<ul style="list-style-type: none">• Corroborate other evidence• Confirms officer's judgment• Confirms alcohol as cause of impairment• Help establish p.c. for DUI arrest	<ul style="list-style-type: none">• Residual mouth alcohol• Breath Contaminants• Cooling of the breath sample• Composition of the breath sample

OBJ7
LEC

The Preliminary Breath Tester (PBT), just like the three SFSTs, is a field sobriety test. The use of the PBT has certain advantages, but also some limitations:

Advantages

- Corroborate other evidence
- Confirms officer’s judgment
- Confirm alcohol as cause of impairment
- Help establish probable cause for DUI arrest

OBJ7

LEC

Limitations

- Will read residual mouth alcohol as lung air, causing a false high reading; conduct a fifteen minute observation period.
- Breath Contaminants: Some PBTs may react to certain substances (such as ether, chloroform, acetone, acetaldehyde, cigarette smoke) other than alcohol. This would result in a false high reading.
- Cooling of the breath sample – If the captured breath sample is allowed to cool before it is analyzed, some of the alcohol vapor in the breath may turn to liquid and precipitate out of the sample. This would result in a false low reading.
- The composition of the breath sample – This refers to the mixing of the tidal breath (breath from the upper lungs and mouth) and alveolar breath (deep lung breath). This would result in a false low reading.

AFQ

How is arrest decision made?

- Initial observation of vehicle operation
- Observation of the stop
- Face-to-face observation and interview (what you saw, heard, smelled)
- Observation of the exit
- Psychophysical tests
- PBT result

Totality of
Circumstances



OBJ8

QTC

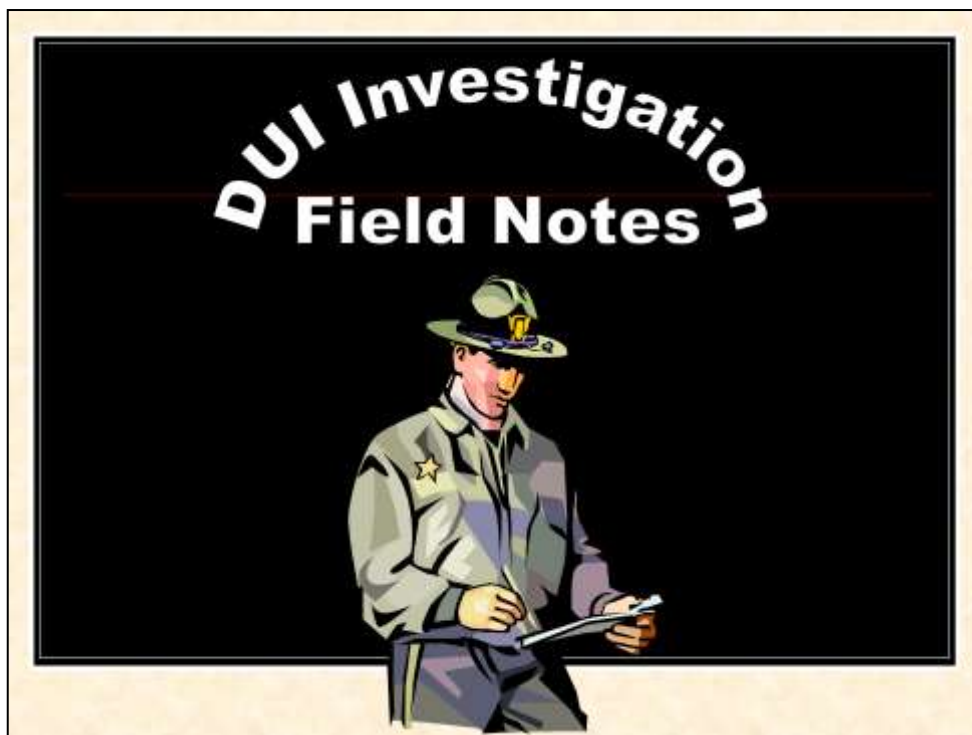
On what should you make your arrest decision?

AR

- Initial observation of vehicle operation
- Observation of the stop
- Face-to-face observation and interview (what you saw, heard, smelled, etc.)
- Observation of the exit
- Psychophysical tests
- The PBT result
- In other words, the totality of the events from the time of contact with the suspect
- *Remember, you must have probable cause to arrest, but the DUI does not have to occur in your presence.*

TIME: 2 Hours

AFQ



OBJ5
LEC

For purposes of the arrest report and courtroom testimony, it is not enough to report the number of clues on the three tests.

The numbers are important to the police officer in the field, because they help determine whether there is probable cause to arrest. But to secure a conviction, more descriptive evidence is needed.

The officer must be able to describe how the suspect performed on the tests, and what the suspect did.

The standard note-taking guide is designed to help develop a clear description of the suspect's performance on the tests.

OBJ5
NTF

Explain to the class how to complete the *DUI Investigation Field Notes* form, which is attached to this lesson plan.

Parts I, II and III are self explanatory. Emphasize the need to avoid “global descriptors”, which are vague terms, such as “hostile attitude” or “in a reckless manner”. Recruits should use specific, descriptive terms.

Horizontal Gaze Nystagmus

Items with a “yes” or “no” on the left side of the sheet should be checked in the appropriate box. On the right hand side of the sheet is a tally of the recorded clues for HGN. Have the students write in “Yes” if the clue was observed, “No” if the clue was not observed. Then, they will add the clues, three possible for each eye and record them. A total of six clues are possible.

In the area “other” have the student record necessary information such as “vertical nystagmus observed”, “resting (or immediate onset) nystagmus observed”, “one pupil larger (specify which one) than the other”, etc.

OBJ5**NTF****Walk and Turn**

On the left hand side of the sheet is the Instructions Stage. There is a box for “Cannot Keep Balance” and “Starts too Soon”. Instruct students to make sure neither box is unmarked. Have them enter the number of times each was noted. If there were no violations, enter “0”. Never leave a box blank.

On the top right-hand side of the sheet is a diagram of shoeprints numbered 1-9 for each side of the line the person walks. The only two letters the students will need to remember are “S” and “M”. The “S” stands for Stops While Walking. The students should draw a diagonal line between the toe and heel of where the violation occurred. For example, if a suspect stops on step number “3” then a diagonal line should be drawn between shoeprint number 3 and shoeprint number 4, with the letter “S” at the top of the vertical line.

The “M” stands for Misses Heel to Toe. If the suspect leaves a space of one half inch or more between his heel and his toe, a vertical line should be drawn between the toe and heel of where the violation took place. For instance, if the suspect missed heel to toe between step 6 and 7, a vertical line should be drawn in front of shoeprint 6 with the letter “M” at the top of the line.

OBJ5
LEC

The only other notation to the diagram will occur if the suspect steps off the line. In this event, draw a line from the foot which stepped off the line in the direction he/she stepped off.

Below the diagram there are five boxes for clues of the first nine steps and the second nine steps. These five boxes are:

- Stops walking
- Misses heel-to-toe
- Steps off-line
- Raises arms
- Actual steps taken

In the box corresponding to each of the clues, indicate when the person violated the clue by writing the step number or indicate "0" if no clues were observed being violated.

For actual steps taken, have students indicate how many steps were taken. Also, remind them that none of the boxes should be left blank.

For an improper turn, have students write down how the person turned that was incorrect, such as "turned by rotating on both heels at once", "turned wrong direction", etc.

Total the clues at the bottom of the sheet. Total should not exceed 8. If the person at anytime during the test gives the officer the impression that he may hurt himself if the test continues, then the officer should terminate the test. The total of clues would be "8" to indicate that the subject could not complete the test. Explain how the suspect was not able to complete the test in the "Cannot Do Test (Explain)" area.

OBJ5
NTF

One Leg Stand

Students should place check marks in the boxes next to the four clues to indicate how many times each clue was observed. Then enter the total clues in the space below the listed clues.

Where the feet are diagramed, circle the anchor foot. The anchor foot is the foot that the suspect stood on, which is indicated by a darkened heel. If the suspect put his foot down during the test, record when it happened. To do this, write the count number at which the foot came down.

In the block provided, indicate the type of footwear the suspect was wearing when he took the test.

If you terminate the test for “cannot perform test”, indicate explicitly why you did so. For example:

- Staggered three steps to right, then fell
- Continuous hopping, flailing arms, nearly falling

In the section labeled “Other”, record any facts, circumstances, conditions or observations that may be relevant to the test.

Other Field Sobriety Tests

Indicate any other field sobriety tests, such as pre-exit tests.

FINAL REVIEW

QTC	Are the SFSTs pass/fail tests?
AR	No. They are tools to assist you in seeing visible signs of impairment.
QTC	How many total possible clues are there for the WAT?
AR	8
QTC	What are the two clues for the Instructions Stage?
AR	<ol style="list-style-type: none">1. Loses balance2. Starts too soon
QTC	What is the acronym for the WAT clues?
AR	SHORTS
QTC	What are the six clues for the Walking Stage?
AR	<ol style="list-style-type: none">1. Stops walking2. Misses heel-to-toe3. Steps off line4. Raises arms5. Turns improperly6. Wrong number of steps

FINAL REVIEW

QTC What is the proper officer position for both the WAT and OLS?

AR Minimum 6 feet away, 45 degree angle, weapon away from suspect, not directly facing suspect

QTC During a WAT test, your suspect stepped off the line twice, failed to count out loud, and missed a heel-to-toe by ¼ inch. How many clues were there?

AR One

QTC For the WAT, how many clues indicate a BAC of .08 or more?

AR Two

QTC How reliable is the WAT?

AR 79%

QTC What are the 4 possible clues for the OLS?

AR **P**uts foot down
Uses arms
Sways
Hops

FINAL REVIEW

QTC For the OLS, how many clues indicate a BAC over .08?

AR Two

QTC What is the reliability factor for the OLS?

AR 83 percent

QTC For how long must the suspect keep his foot raised in OLS?

AR 30 seconds

QTC During the OLS, the suspect failed to keep his legs straight, failed to look at his raised foot, raised his arms five inches from his sides once, and missed two numbers during his count. How many clues were there?

AR None

Homework

Memorize all the clues for the 3 SFSTs tonight. If you are unable to do so, write a memo to your Class Coordinator explaining why and bring to class with you tomorrow.

LEC

This is your homework for tonight:

Memorize all the clues for the three SFSTs tonight. If you are unable to do so, write a memo to your Class Coordinator explaining why and bring to class with you tomorrow.

TIME: 2.5 Hours

DUI INVESTIGATION FIELD NOTES

I. NAME _____ SEX _____ RACE _____
ADDRESS _____ CITY/STATE _____ OP.LIC.NO _____
D.O.B. ____/____/____ SOC.SEC.# _____
VEHICLE MAKE _____ YEAR _____ LIC. _____ STATE _____
DISPOSITION _____ NO. PASSENGERS _____
INCIDENT LOCATION _____
DATE ____/____/____ TIME _____ CRASH YES NO

II. **VEHICLE IN MOTION**

INITIAL OBSERVATIONS _____
OBSERVATION OF STOP _____

III. **PERSONAL CONTACT**

OBSERVATION OF DRIVER _____
STATEMENTS _____
PRE-EXIT SOBRIETY TSTS _____
OBSERVATION OF THE EXIT _____
ODORS _____
GENERAL OBSERVATIONS
SPEECH _____
ATTITUDE _____
CLOTHING _____
PHYSICAL DEFECTS/DRUGS OR MEDICATIONS USED _____

IV. **PRE-ARREST SCREENING**

HORIZONTAL GAZE NYSTAGMUS

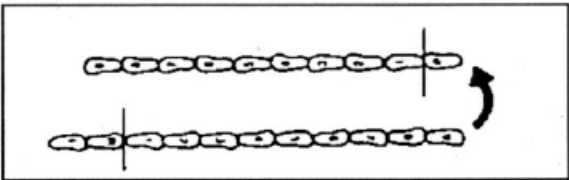
			LEFT	RIGHT
Equal Pupils	<input type="checkbox"/> yes <input type="checkbox"/> no	LACK OF SMOOTH PURSUIT	<input type="text"/>	<input type="text"/>
Equal Tracking	<input type="checkbox"/> Yes <input type="checkbox"/> No	DISTINCT AND SUSTAINED NYSTAGMUS AT MAXIMUM DEVIATION	<input type="text"/>	<input type="text"/>
Resting Nystagmus	<input type="checkbox"/> Yes <input type="checkbox"/> No	ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES	<input type="text"/>	<input type="text"/>
Vertical Nystagmus	<input type="checkbox"/> Yes <input type="checkbox"/> No			
		Total	<input type="text"/>	<input type="text"/>
		Combined Total	<input type="text"/>	

WALK AND TURN

INSTRUCTIONS STAGE

CANNOT KEEP BALANCE ☐

STARTS TOO SOON ☐



WALKING STAGE

FIRST NINE STEPS

SECOND NINE STEPS

STOPS WALKING	
MISSES HEEL-TO-TOE	
STEPS OFF LINE	
RAISES ARMS	
ACTUAL STEPS TAKEN	

IMPROPER TURN (Describe) _____

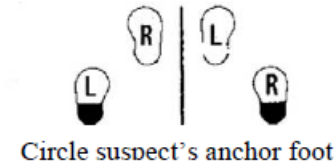
CANNOT DO TEST (Explain) _____

OTHER _____

Total Clues _____

ONE LEG STAND

	Sways while balancing
	Uses arms to balance
	Hopping
	Puts foot down



Type of Footwear _____

Total Clues _____

OTHER: _____

OTHER FIELD SOBRIETY TESTS

NAME OF TEST _____

DESCRIBE PERFORMANCE _____

NAME OF TEST _____

DESCRIBE PERFORMANCE _____

NAME OF TEST _____

DESCRIBE PERFORMANCE _____

PBT (1) (optional) Time: _____ Results: _____

PBT (2) (optional) Time: _____ Results: _____

DUI INVESTIGATION FIELD NOTES

I. NAME _____ SEX _____ RACE _____
ADDRESS _____ CITY/STATE _____ OP.LIC.NO _____
D.O.B. ____/____/____ SOC.SEC.# _____
VEHICLE MAKE _____ YEAR _____ LIC. _____ STATE _____
DISPOSITION _____ NO. PASSENGERS _____
INCIDENT LOCATION _____
DATE ____/____/____ TIME _____ CRASH YES NO

II. VEHICLE IN MOTION
INITIAL OBSERVATIONS _____
OBSERVATION OF STOP _____

III. PERSONAL CONTACT
OBSERVATION OF DRIVER _____
STATEMENTS _____
PRE-EXIT SOBRIETY TSTS _____
OBSERVATION OF THE EXIT _____
ODORS _____
GENERAL OBSERVATIONS
SPEECH _____
ATTITUDE _____
CLOTHING _____
PHYSICAL DEFECTS/DRUGS OR MEDICATIONS USED _____

IV. PRE-ARREST SCREENING

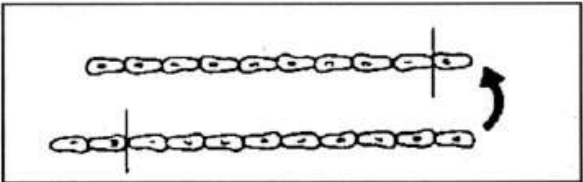
			LEFT	RIGHT
Equal Pupils	<input type="checkbox"/> yes <input type="checkbox"/> no	LACK OF SMOOTH PURSUIT	<input type="checkbox"/>	<input type="checkbox"/>
Equal Tracking	<input type="checkbox"/> Yes <input type="checkbox"/> No	DISTINCT AND SUSTAINED NYSTAGMUS AT MAXIMUM DEVIATION	<input type="checkbox"/>	<input type="checkbox"/>
Resting Nystagmus	<input type="checkbox"/> Yes <input type="checkbox"/> No	ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES	<input type="checkbox"/>	<input type="checkbox"/>
Vertical Nystagmus	<input type="checkbox"/> Yes <input type="checkbox"/> No			
		Total	<input type="checkbox"/>	<input type="checkbox"/>
		Combined Total	<input type="checkbox"/>	

WALK AND TURN

INSTRUCTIONS STAGE

CANNOT KEEP BALANCE ☐

STARTS TOO SOON ☐



WALKING STAGE

FIRST NINE STEPS

SECOND NINE STEPS

STOPS WALKING	
MISSES HEEL-TO-TOE	
STEPS OFF LINE	
RAISES ARMS	
ACTUAL STEPS TAKEN	

IMPROPER TURN (Describe) _____

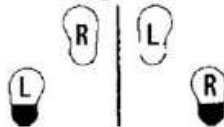
CANNOT DO TEST (Explain) _____

OTHER _____

Total Clues _____

ONE LEG STAND

	Sways while balancing
	Uses arms to balance
	Hopping
	Puts foot down



Circle suspect's anchor foot

Total Clues _____

OTHER: _____

Type of Footwear _____

OTHER FIELD SOBRIETY TESTS

NAME OF TEST _____

DESCRIBE PERFORMANCE _____

NAME OF TEST _____

DESCRIBE PERFORMANCE _____

NAME OF TEST _____

DESCRIBE PERFORMANCE _____

PBT (1) (optional) Time: _____ Results: _____

PBT (2) (optional) Time: _____ Results: _____